



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,198	03/04/2002	Jurgen Heigl	TRW(REPA)6053	3513

26294 7590 09/24/2003

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
526 SUPERIOR AVENUE, SUITE 1111
CLEVEVLAND, OH 44114

EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
----------	--------------

3616

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,198

Applicant(s)

HEIGL, JURGEN

Examiner

Eric D Culbreth

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two lining pieces spaced apart when installed (claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said B-column" in line 2. There is insufficient antecedent basis for this limitation in the claim. The same applies to claim 2, line 3.

Art Unit: 3616

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 5-8 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al in view of Haland et al.

Shibata et al disclose a vehicle interior lining assembly for a vehicle roof body or frame 1 comprising lining or garnish 10 and a gas bag module including gas bag 25 fastened to the lining 10 by storage portions 15. The lining 10 is comprised of at least two lining pieces 20, 21, 14 which together with the bag 25 form a preassembled unit as functionally recited (in an article claim, the parts as preassembled are not patentably distinguishing; only the final product is patentable). As functionally recited, parts 20, 21 at least are displaceable with respect to each other. However, Shibata et al does not teach (claim 1) the gas bag extending from an A column to a C column (the examiner is assuming the applicant is claiming the unit and vehicle, since the relation of the unit and vehicle are claimed). Haland et al discloses in Figure 6 an inflatable head protector that extends from an A column to a C column. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shibata et al to include an air bag (and garnish) that extends from the A column to the C column as taught by Haland et al in order to protect front and rear seat passengers with the same bag.

Art Unit: 3616

In the region of the B-column, Shibata et al teaches the lining 10 divided into the two lining pieces 20, 14 in the region of the B column (claim 2).

Spacing the two lining pieces of Shibata et al (parts 20 and 21) would be an obvious matter of design choice, as the spacing serves no stated purpose, and the invention would appear to work just as well whether lining pieces are closely adjacent or spaced, so long as it substantially covers the folded air bag.

Regarding claims 5-6, in the combination Haland et al teaches a gas generator 51 in Figure 6 which would be part of the preassembled unit as functionally recited in keeping with Shibata et al's generator 31, which is inside the garnish 10. Haland et al's generator in the combination is in the region of the B-column.

As noted above (claims 7-8), the qualities of the preassembled unit are not patentably distinguishing, as the invention in an article claim is the final product.

6. Claim 4 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al in view of Haland et al as applied to claim 1 above, and further in view of Iwanaga.

Iwanaga teaches fastening means 15 in Figures 2 and 23 which connect inner lining piece 14 to the roof frame 10 permanently. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shibata et al and Haland et al to include fastening means that connect the lining pieces permanently to the column or roof frame as taught by Iwanaga in order to prevent reducing space in the cabin (Iwanaga, column 3, lines 40-45).

Art Unit: 3616

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakajima et al shows (Figure 2) handles attached by air bag fastening means.

Alb et al shows two linings 14, 12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Eric D Culbreth
Primary Examiner
Art Unit 3616

Eric Culbreth
9/19/03

ec